

REMARKS

Claims 10-14, 31-34, 37 and 38 have been examined. Claims 10 and 31 have been amended. Reconsideration of the claims, as amended, is respectfully requested.

Claim Rejections - 35 U.S.C. §103

Claims 31-34 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dobo. Applicant believes that claims 31-34 are distinguishable over the Dobo patent for at least the reasons previously recited in the Amendment filed September 16, 2004, which is incorporated herein by reference.

However, in order to expedite prosecution, claim 31 has been amended to recite a vibratable member that is configured to vibrate upon application of an electrical signal, and that the plate body is operably coupled to the vibratable member. Support for such an amendment may be found at, for example, page 14, lines 22-31 and in Fig. 12.

In contrast to the vibratable aperture plate of claim 31, nowhere in the Dobo patent is there any discussion of a vibratable member that is configured to vibrate upon application of an electrical signal. Hence, claims 31-34 are distinguishable over the Dobo patent for at least these additional reasons. Therefore, it is respectfully requested that the §103 rejection of claims 31-34 in view of Dobo be withdrawn.

Claim 11, 13, 14 and 38 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Fleischman. Initially, Applicants note that claims 11, 13, 14 and 38 depend from claim 10 which does not appear to be rejected and therefore should be allowable for depending on an allowable base claim. Further, Applicants believe that independent claim 10 and all claims depending therefrom are distinguishable from the Fleischman patent for at least the reasons previously recited in connection with the Amendment filed on September 16, 2004.

However, in order to expedite prosecution, claim 10 has been amended to recite that the vibratable aperture plate includes a vibratable member that is configured to vibrate upon application of an electrical signal, and that the plate body is operably coupled to the vibratable member. Because the Fleischman patent fails to teach or suggest any such vibratable member,

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PATENT

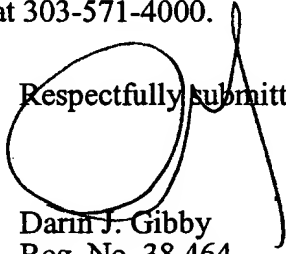
claim 10 is distinguishable over the cited art for at least this additional reason. Hence, it is respectfully requested that the §103 rejection of claims 11, 13, 14 and 38 in view of the Fleischman patent be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,


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